



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/622,855

10/16/2000

Michel L.F. Grech

P/61380-PCT

8141

156

7590

03/03/2006

KIRSCHSTEIN, OTTINGER, ISRAEL  
& SCHIFFMILLER, P.C.  
489 FIFTH AVENUE  
NEW YORK, NY 10017

EXAMINER

JAIN, RAJ K

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/622,855	<b>Applicant(s)</b> GRECH, MICHEL L.F.	
	<b>Examiner</b> Raj Jain	<b>Art Unit</b> 2664	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/1/00</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim is not clear, as to whether it is an apparatus (display layout), method (no steps have been defined) or just a computer program running a sequence of sub-routine programs (ie. Picture editor, code generator, building blocks, data manipulation).

Applicant is advised to correctly define the claim identifying if its an apparatus, method or simply a computer program claim and make appropriate corrections thereof.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 4 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites here in part;

“ A broadband graphical service creation **environment for creating** intelligent network (IN) services for a broadband integrated services digital.....”

"Environment creation" is non-statutory subject matter and therefore not patentable. Applicant is advised to remove the non-statutory subject matter and reword the claim to more appropriately define applicants invention.

### ***Claim Objections***

Claim 4 is objected to because of the following informalities: The first letter of words "intelligent network" in line 7 should be capital. Appropriate correction is required.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Fig. 8 is not clear how the blocks are connected and specification lists Fig. 7 twice but fails to list Fig. 8. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2664

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lukacs (US Pat. 5,657,096) in view of Ault et al (US005987495A).

Regarding claim 4, Lukacs discloses a method and system for real time video and conferencing (see Fig. 2 which shows a number of users 34 in conference with other users using a video camera as attached, abstract), the real time video conferencing system employs a Broadband Integrated Services Digital Network/Intelligent Network (see Fig. 1, col 4 lines 17-30) network for interactive video conferencing, the system comprising:

- building blocks (Fig. 7, video composing modules 96-107, col 6 lines 17-20), a picture editor and code generator (video encoding see col 2 lines 36-50), the building blocks being a collection of broadband specific actions, data access and data manipulation routines plus pictorial blocks that define the graphical layout of the service (see Figs. 2 and 4, abstract, the system uses a chain of video see Fig. 7 composing modules or building blocks 96-107 and other session oriented modules see Fig. 9. The various modules form the building blocks within a broadband ISDN environment with graphical user interface, see col 11 line 40 - col 12 line 22. Each user has functional control and capability to change the desired layout by moving and resizing desired images as appropriate and therefore offers data manipulation control, see col 2 lines 45-65, col 4 lines 20 - 40.).

Lukacs fails to disclose building blocks running a specific message sequence that may be interrupted and resumed in an asynchronous event.

Ault discloses a method and apparatus for restoring a program following an interruption (see abstract). Fig. 1 an asynchronous event 120 is transferred to the interrupt handler 124, which saves contents of registers 110 and transfers control to signal catcher 118, FIG. 8 shows the steps performed by the signal catcher 118 to return control to the normal part 116 of the program 104 at the point of interruption 120 after the signal catcher has performed its function and resume program execution at point of interruption, also see col 7 line 56 – col 8 line 59.

The ability to resume processor operation at point of interruption, reduces processing overhead and resuming operation at the point of interruption rather than restarting the sequence event from start causing delay and redundant processor operation by reloading the sequence again.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Ault within Lukacs to allow for sequence interruption and resumption at point of interruption and therefore reducing delay and redundant processor operation by reloading the sequence again.

Regarding claim 5, Lukacs discloses B-IN Application Protocol dependent Generic Service Building Blocks to handle functions required by a B-IN Application Protocol (see col 14 lines 1-50, Lukacs describes a generic protocol that is implemented to accommodate various user interfaces within a GUI environment: Furthermore, communications between the multimedia bridge 32 (AMB) see Fig. 1, uses a different protocol to be able to communicate with various modules and AMB hardware, thus

Art Unit: 2664

different protocols are implemented to properly accommodate the required sequence of functions within the GUI environment.)

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lukacs (US Pat. 5,657,096) as applied to in claim 4 above, in view of Ault et al (US005987495A), further in view of Faynberg (US PAT. 5664102). Lukacs and Ault fail to disclose service logic programs to support finite state machines.

Faynberg discloses an Intelligent Network Fig. 1 consisting of network elements 102-118 which store service logic programs for control and execution of programs within the a service control point 108, see col 1 lines 17-41, col 3 lines 5-17. SCPs allow interface to different networks having different logic programs so that a switch for example in one network can communicate and control a computer in another network via the SCPs.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Faynberg within Lukacs and Ault to allow for intercommunication between differing networks to control and communicate seamlessly without interruption or problems.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145.

The examiner can normally be reached on M-F.

Art Unit: 2664

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

A handwritten signature in black ink, appearing to read "Raj Jain".

RJ

February 27, 2006